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EXAMINER

RYMAN, DANIEL J

| ART UNIT | PAPER NUMBER |
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2665

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/209,900

Applicant(s)

TANI ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,10 and 17-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,10 and 17-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 6, 10, 17-32, and 36-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (USPN 5,940,387) in view of Budow et al (USPN 5,625,864) in further view of Ito et al (USPN 6,014,693).
3. Regarding claims 1 and 17, Humpleman discloses a system for distributing stream data after executing a predetermined processing of the stream data from an external network, comprising: a receptor which receives the stream data transmitted through a broadcasting network (external network) (col. 2, lines 10-26 and col. 3, lines 5-45). Humpleman contains a unique arrangement for selecting a predetermined unit of information from the stream data received by the receptor according to a request from a user (col. 10, lines 24-29 and col. 11, lines 11-30). In Humpleman's arrangement, set-top electronics select and route packets requested by a user in order to avoid an "expensive and complicated router." Although Humpleman describes this arrangement as preferred, Humpleman's arrangement has the disadvantage of requiring all set-top electronics to be capable of routing packets. Since Humpleman's routing arrangement is done as a substitute for a router, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a packet switching router in place of Humpleman's arrangement in order to avoid the need to design set-top electronics that are capable of routing packet. Further,

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Budow discloses, in a VOD system employing a server, having a selector which selects a predetermined unit of information from the stream data received by the receptor according to a request from a user (col. 3, lines 4-16; col. 6, lines 47-col. 7, lines 12; col. 8, line 59-col. 9, line 5) in order to retrieve a desired data stream for a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a selector which selects a predetermined unit of information from the stream data received by the receptor according to a request from a user in order to retrieve a desired data stream for a user. Humpleman possibly does not expressly disclose a file I/O controller which controls a file device and outputs the predetermined unit of information selected by the selector to the file device and a transmitter which either transmits the predetermined unit of information selected by the selector to a terminal device having information reproduction function or to the file device while executing a predetermined processing. Budow discloses, in a VOD system employing a server, having a file I/O controller which controls a file device and outputs the predetermined unit of information selected by the selector to the file device and a transmitter which either transmits the predetermined unit of information selected by the selector to a terminal device having information reproduction function or to the file device while executing a predetermined processing (col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62) in order to allow programs to be recorded and watched at a later time and allow for a program to be paused or stopped and then restarted at the same place. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a file I/O controller which controls a file device and output the predetermined unit of information selected to the file device and a transmitter which transmits

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the information to a terminal device or the file device in order to allow programs to be recorded and watched at a later time and allow for a program to be paused or stopped and then restarted at the same place. Humpleman in view of Budow possibly does not expressly disclose a transmitter which either transmits the predetermined unit of information selected by the selector to a terminal device having information reproduction function or to the file device while executing a predetermined processing, according to a limitation set by an amount of transmission data per unit of time based on a distribution condition of a local area network. Ito discloses, in a system for delivering compressed video data, having a server which receives video data and which contains a transmitter which transmits the predetermined unit of information selected by the selector while executing a predetermined processing, according to a limitation set by an amount of transmission data per unit of time based on a distribution condition of a local area network (col. 2, line 46-col. 4, line 40) in order to ensure continuity in the delivery of video data if the transfer bit rate cannot be maintained constant because of a high load imposed on the network. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a server which contains a transmitter which transmits information selected while executing a predetermined processing, according to a limitation set by an amount of transmission data per unit of time based on a distribution condition of a local area network (col. 2, line 46-col. 4, line 40) in order to ensure continuity in the delivery of video data if the transfer bit rate cannot be maintained constant because of a high load imposed on the network.

4. Regarding claim 2, referring to claim 1, Humpleman in view of Budow in further view of Ito discloses that the stream data is constructed with information in a packet unit, and a packet identifier for identifying data in a packet is added to each packet, and the selector extracts the

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predetermined unit of information which is requested from the user by referring to the packet identifier (Humpleman: col. 10, lines 24-29 and col. 11, lines 11-30 and Budow: col. 3, lines 4-16; col. 6, lines 47-col. 7, lines 12; col. 8, line 59-col. 9, line 5).

5. Regarding claim 5, referring to claim 1, Humpleman in view of Budow in further view of Ito discloses that the selector outputs the stream data received from the receptor to the file I/O controller when either a recording request is received from the user or a predetermined recording condition is met, and the file device stores the stream data received from the selector (Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62) where it is obvious that the controller is storing the information based on a predetermined recording condition.

6. Regarding claims 6, 25, and 43, Humpleman discloses a stream distribution system comprising: a stream distribution server (col. 2, lines 10-26 and col. 3, lines 5-45), a plurality of terminal devices each having an information reproduction function (col. 2, lines 10-26 and col. 3, lines 5-45), and a local-area network connecting both of the stream distribution server and the plurality of terminal devices (col. 2, lines 10-26 and col. 3, lines 5-45), wherein the stream distribution server targets the stream data comprising information in a packet unit (col. 10, lines 24-29 and col. 11, lines 11-30), wherein an identifier to identify the type of data in the packet is added to each packet (col. 10, lines 24-29 and col. 11, lines 11-30), the stream distribution system further comprising: a plurality of reception means for receiving the stream data transmitted through a broadcasting network or a communication network (col. 2, lines 10-26 and col. 3, lines 5-45). Humpleman possibly does not disclose within the server selection means capable of connecting the plurality of reception means, for mixing or re-multiplexing a plurality

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of the stream data input from the reception means, and for selecting and extracting a predetermined unit of information which coincides with a request for sending and recording received from the terminal device by referring to the identifier to identify the predetermined unit of information which forms the stream data. Instead, Humpleman contains a unique arrangement for selecting a predetermined unit of information from the stream data received by the receptor according to a request from a user (col. 10, lines 24-29 and col. 11, lines 11-30). In Humpleman's arrangement, set-top electronics select and route packets requested by a user in order to avoid an "expensive and complicated router." Although Humpleman describes this arrangement as preferred, Humpleman's arrangement has the disadvantage of requiring all set-top electronics to be capable of routing packets. Since Humpleman's routing arrangement is done as a substitute for a router, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a packet switching router in place of Humpleman's arrangement in order to avoid the need to design set-top electronics that are capable of routing packet. Further, Budow discloses, in a VOD system employing a server, having a selector which selects a predetermined unit of information from the stream data received by the receptor according to a request from a user (col. 3, lines 4-16; col. 6, lines 47-col. 7, lines 12; col. 8, line 59-col. 9, line 5) in order to retrieve a desired data stream for a user. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a selector which selects a predetermined unit of information from the stream data received by the receptor according to a request from a user in order to retrieve a desired data stream for a user. Humpleman possibly does not expressly disclose file I/O means for controlling a file device under management of the stream distribution server and for outputting information selected by the selection means to the

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file device, wherein the selection means branches and distributes the selected and extracted information to the transmission means or to the file I/O means corresponding to the terminal device. Budow discloses, in a VOD system employing a server, having file I/O means for controlling a file device under management of the stream distribution server and for outputting information selected by the selection means to the file device, wherein the selection means branches and distributes the selected and extracted information to the transmission means or to the file I/O means corresponding to the terminal device (col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62) in order to allow programs to be recorded and watched at a later time and allow for a program to be paused or stopped and then restarted at the same place. It would have been obvious to one of ordinary skill in the art at the time of the invention to have file I/O means for controlling a file device under management of the stream distribution server and for outputting information selected by the selection means to the file device, wherein the selection means branches and distributes the selected and extracted information to the transmission means or to the file I/O means corresponding to the terminal device in order to allow programs to be recorded and watched at a later time and allow for a program to be paused or stopped and then restarted at the same place. Humpleman in view of Budow possibly does not expressly disclose filter means for controlling an amount of transmission data per unit of time to be output to the terminal device; transmission means for transmitting the selected and extracted information to the terminal device by using the filter means to adjust the transmission band of the stream data received from the selection means based on a limitation on a predetermined data transmission band. Ito discloses, in a system for delivering compressed video data, having a server which

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receives video data and which contains a filter means for controlling an amount of transmission data per unit of time to be output to the terminal device (col. 2, line 60-col. 3, line 20) where filter means is broadly interpreted to mean the video index which filters the data stream according to rate instructions; transmission means for transmitting the selected and extracted information to the terminal device by using the filter means to adjust the transmission band of the stream data received from the selection means based on a limitation on a predetermined data transmission band (col. 2, line 46-col. 4, line 40) in order to ensure continuity in the delivery of video data if the transfer bit rate cannot be maintained constant because of a high load imposed on the network. It would have been obvious to one of ordinary skill in the art at the time of the invention to have filter means for controlling an amount of transmission data per unit of time to be output to the terminal device; transmission means for transmitting the selected and extracted information to the terminal device by using the filter means to adjust the transmission band of the stream data received from the selection means based on a limitation on a predetermined data transmission band in order to ensure continuity in the delivery of video data if the transfer bit rate cannot e maintained constant because of a high load imposed on the network.

7. Regarding claim 10, referring to claim 6, Humpleman in view of Budow in further view of Ito discloses that the file I/O means and the transmission means are controlled according to a storage data reading request from the terminal device, and the stream data stored in the file device are transmitted to the terminal device through the file I/O means, the selection means and the transmission means (Humpleman: col. 2, lines 10-26 and col. 3, lines 5-45 and Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62).

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8. Regarding claim 18, referring to claim 17, Humpleman in view of Budow in further view of Ito discloses a filter which executes the predetermined processing to control the amount of transmission data per unit of time for outputting to at least one of a file device and the terminal device (Ito: col. 2, line 60-col. 3, line 20) where filter means is broadly interpreted to mean the video index which filters the data stream according to rate instructions.

9. Regarding claims 19, 37, and 45, referring to claims 17, 25, and 43, Humpleman in view of Budow in further view of Ito discloses that the distribution condition is changed dynamically according to a use state of the local area network (Ito: col. 2, line 60-col. 3, line 20).

10. Regarding claims 20, 38, and 46, referring to claims 19, 25, and 43, Humpleman in view of Budow in further view of Ito discloses that the predetermined unit of information is transmitted to the terminal device through one or more transmitters selected by the selector (Humpleman: col. 10, lines 24-29 and col. 11, lines 11-30; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; and Ito: col. 2, line 60-col. 3, line 20).

11. Regarding claims 21, 39, and 47, referring to claims 19, 25, and 43, Humpleman in view of Budow in further view of Ito discloses that the local area network is installed in an ordinary home (Humpleman: col. 2, lines 10-26 and col. 3, lines 5-45).

12. Regarding claims 22, 26, 40, 44, and 48, referring to claims 19, 25, and 43, Humpleman in view of Budow in further view of Ito discloses that the predetermined unit of information and sub-streams includes at least one of video, audio, static image, and character information (Humpleman: col. 2, lines 10-26 and col. 3, lines 5-45 and Budow: col. 3, lines 4-13).

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13. Regarding claims 23, 41, and 49, referring to claims 19, 25, and 43, Humpleman in view of Budow in further view of Ito discloses that when the use state of the local area network is such that there is not enough room in the amount of transmission data and the request from the user is for the stream data at a High Definition Level, the transmitter transmits reduced stream data (Ito: Fig. 3 and col. 5, line 51-col. 6, line 18) where the stream data at a High Definition Level is broadly defined as the original data stream.

14. Regarding claims 24, 42, and 50, referring to claims 23, 41, and 49, Humpleman in view of Budow in further view of Ito discloses that the reduced stream data comprises the stream data at a Standard Definition Level (Ito: Fig. 3 and col. 5, line 51-col. 6, line 18) where the stream data at a Standard Definition Level is broadly defined as the data stream at the first it rate setting.

15. Regarding claim 27, referring to claim 25, Humpleman in view of Budow in further view of Ito discloses that the file I/O controller is capable of outputting stored information in the file device to the selector when either a request for the outputting is received from the user or the distribution condition of a local area network permits the outputting (Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62).

16. Regarding claim 28, referring to claim 25, Humpleman in view of Budow in further view of Ito discloses that the filter executes the predetermined processing to control an amount of transmission data per unit of time by using a priority table describing the correspondence between identification information identifying the predetermined unit and a packet priority for each packet unit in the sub-stream data so as to conform with a limitation on a transmission band

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based on the packet priority (Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

17. Regarding claim 29, referring to claim 28, Humpleman in view of Budow in further view of Ito discloses a setting part which sets a limitation on a transmission band allocated to the terminal device according to a use state of the local area network between the transmitter and the terminal device and for setting the priority table included in the filter, wherein the transmitter receives the stream data from the selector, and transmits the stream data to the terminal device after using the filter to adjust an amount of transmission data to conform with limitation on the transmission band set by the setting part (Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

18. Regarding claim 30, referring to claim 29, Humpleman in view of Budow in further view of Ito discloses that the setting part controls the selector, the file I/O controller, and the transmitter according to a storage data reading request from the terminal device, and transmits the stream data stored in the file device to the terminal device through the file I/O controller, the selector, and the transmitter (Humpleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; and Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

19. Regarding claim 31, referring to claim 29, Humpleman in view of Budow in further view of Ito discloses that the receptor is capable of receiving program information relating to the stream data through at least one of the broadcasting network and the communication network (Humpleman: col. 2, lines 10-26 and col. 3, lines 5-45), further comprising: a content

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information management part which manages the program information multiplexed in the stream data and manages information relating to the stream data stored in the file device as content information (Humbleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; and Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18); wherein the setting part accepts a request for sending the content information; and the requested content information is sent to the terminal device (Humbleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; and Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

20. Regarding claim 32, referring to claim 25, Humbleman in view of Budow in further view of Ito discloses a setting part which sets a limitation on the transmission band allocated to at least one of the terminal device and the file device according to a use state of the local area network, wherein the setting part accepts a sending request or a storing request from a user; and the selector outputs the stream data received from the receptor or the file I/O controller to the transmitter upon receipt of the sending request, or to the file I/O controller upon receipt of the storing request (Humbleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; and Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18).

21. Regarding claim 36, referring to claim 25, Humpleman in view of Budow in further view of Ito discloses that when the amount of transmission data is reduced by the filter the reduced stream data are sent to the terminal device (Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18). Humpleman in view of Budow in further view of Ito possibly does not expressly disclose that the original stream data before reduction are stored in the file device; however, such a step would be obvious. Humpleman in view of Budow in further view of Ito discloses a storage device (Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4, lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62) which is used to reproduce data when a viewer wants to view a program again. It is obvious that the original stream of data is the best way to reproduce a stream with high quality. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to store the original stream of data such that when the program is reproduced from memory at a time in the future the best reproduction can be produced.

22. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (USPN 5,940,387) in view of Budow et al (USPN 5,625,864) in further view of Ito et al (USPN 6,014,693) as applied to claim 25 above, and further in view of Blahut et al (USPN 5,442,389).

23. Regarding claim 33, referring to claim 25, Humpleman in view of Budow in further view of Ito discloses a setting part which accepts a pause request or a resume request from the user (Budow: col. 12, lines 29-64). Humpleman in view of Budow in further view of Ito possibly does not expressly disclose a setting part which determines whether transmission of the stream data to at least one of the terminal device and the file device is valid or invalid based on a flag

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information wherein the selector pauses transmission of the stream data to the terminal device by turning off the flag information according to the pause request, and restarts transmission of the stream data by turning on the flag information according to the resume request. Blahut discloses, in a system for transmitting video information, having a flag in a packet indicate whether or not the transmission is paused (col. 8, lines 55-56). As broadly defined, a packet that is being continuously transmitted is "valid" while a paused or stopped packet is "invalid." Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to have the setting part determine whether transmission of the stream data to at least one of the terminal device and the file device is valid or invalid based on a flag information wherein the selector pauses transmission of the stream data to the terminal device by turning off the flag information according to the pause request, and restarts transmission of the stream data by turning on the flag information according to the resume request in order to allow a user to pause the transmission and restart the transmission.

24. Regarding claim 34, referring to claim 33, Humpleman in view of Budow in further view of Ito in further view of Blahut discloses that the setting part is capable of controlling the selector; the selector is capable of interrupting transmission of the stream data to the terminal device according to the pause request and the selector is capable of outputting the stream data to the file device through the file I/O controller according to the pause request, wherein the selector, according to the resume request, outputs the stream data which have been stored and/or have not been transmitted to the terminal device by a first-in-first-out processing in parallel with storing the stream data in the file device through the file I/O controller (Humpleman: col. 2, lines 10-26; col. 3, lines 5-45; and col. 7, lines 31-50; Budow: col. 3, lines 4-16; col. 4, lines 30-43; col. 4,

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lines 64-67; col. 5, lines 36-51; col. 8, line 59-col. 9, line 41; col. 12, lines 29-64; and col. 15, lines 54-62; Ito: Fig. 3; col. 2, line 46-col. 4, line 40; and col. 5, line 51-col. 6, line 18; and Blahut: col. 8, lines 55-56).

25. Regarding claim 35, referring to claim 33, Humpleman in view of Budow in further view of Ito in further view of Blahut possibly does not expressly disclose that when a recording request is accepted by the setting part, the setting part inquires whether requested stream data is under recording or not in the file device; if the requested stream data is not under recording, the selector outputs the requested stream data to the file I/O controller for storing, and if the stream requested data is under recording already, the selector does not output the requested stream data for preventing an overlap recording; however such steps would have been obvious to one of ordinary skill in the art in order to prevent the file I/O from saving two copies of the same stream data which results in wasted server resources with regards to buffer space and memory writing time.

Response to Amendment

26. Applicant's arguments with respect to claim 1, 2, 5, 6, and 10 have been considered but are moot in view of the new ground(s) of rejection.

27. The indicated allowability of claim 10 is withdrawn in view of the newly discovered reference(s) to Humpleman (USPN 5,940,387) in view of Budow et al (USPN 5,625,864) in further view of Ito et al (USPN 6,014,693).

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al (USPN 5,802,448) see entire document which discloses reducing the

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quality of a signal in order to conserve bandwidth. Kuether (USPN 6,108,516) see col. 1, line 48-col. 2, line 40 which discloses having a file I/O device in order to allow recording to occur. Aharoni et al (USPN 6,014,694) see col. 2, lines 10-28; col. 3, lines 29-61; col. 4, lines 35-58; col. 5, lines 13-29; col. 7, line 36-col. 8, line 24; and col. 11, line 27-col. 12, line 9 which disclose varying the quality of a signal in accordance with bandwidth constraints. Haddad (USPN 5,555,441) see col. 14, lines 26-32 which discloses detecting a flag to indicate "pause" and then saving the program when in "pause."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (703)305-6970. The examiner can normally be reached on Mon.-Fri. 7:00-5:00 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703)308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6743 for regular communications and (703)308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Daniel J. Ryman
Examiner
Art Unit 2665

DTZ

Daniel J. Ryman
April 11, 2003



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